IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6278 OF 2005

Yashodabai Parashram Adhav ...Petitioner.

V/s.

Pandit Govind Kulkarni ...Respondent.

Shri Vishwanath talute i/b Shri Sachin Kadam, adv. for the Petitioner.
Shri N.M.Sathye for the Respondent Nos.1 and 2.

CORAM: R.S.Mohite, J.
DATE : 28th November, 2005.
P.C.:

1. This Petition is filed against the order dated 7th July, 2005 passed by the learned VIth Adhoc District Judge, Nashik in regular Civil Appeal No.90 of 2005. By the impugned judgment and decree, the Appellate Court dismissed the Appeal filed by the Petitioners and vacated stay granted to the operation of the regular Darkhast No.68 of 1999. Darkhast arises out of proceedings in regular civil suit No.141 of 1996 which had been filed for possession of the land and structure thereof from the Petitioners. This suit was decreed and decree was confirmed by the Appellate Court as well as by this Court in Second Appeal. Petitioners then filed a second suit seeking declaration of title and perpetual injunction only in respect of structure. The suit was decreed in favour of the

Petitioner to the limited extent that dispossession was required to be by the due process of law. Such due process could be through the Darkhast which is pending in respect of original suit filed by the Respondents.

2. In the circumstances, there is no substance in the Petition and stands rejected.

(R.S.MOHITE, J.)